

FILED
DISTRICT COURT OF GUAM

SEP 10 2007

JEANNE G. QUINATA
Clerk of Court

Michael D. Flynn, Jr., Esq.
MAHER • YANZA • FLYNN • TIMBLIN, LLP
115 Hesler Place, Ground Floor
Governor Joseph Flores Building
Hagåtña, Guam 96910
Telephone No.: (671) 477-7059
Facsimile No.: (671) 472-5487

Attorneys for HAYAO SUEHIRO

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

ROBERT J. DEL ROSARIO and MELANIE)	CIVIL CASE NO. CV04-00028
DEL ROSARIO,)	
)	
Plaintiffs,)	NOTICE OF JUDGMENT BY DEFAULT;
)	CERTIFICATE OF SERVICE
vs.)	
)	
JAPAN AIRLINES INTERNATIONAL CO.,)	
LTD.,)	
)	
Defendant.)	

Notice is hereby provided to this Honorable Court and counsel for the parties in this case, that on September 6, 2007, Judgment by Default was entered in favor of Hayao Suehiro, represented by Michael D. Flynn, Jr., Esq. of MAHER • YANZA • FLYNN • TIMBLIN, LLP, and against Robert J. Del Rosario and Melanie De. Rosario in Hayao Suehiro v. Robert J. Del Rosario and Melanie Del Rosario, United States District Court, District of Guam Civil Action No. CIV07-00017. The Judgment grants Hayao Suehiro a security interest in any settlement funds deposited by Japan Airlines International Co., Ltd. with the Clerk of Court in District Court of Guam, Civil Action No. CIV04-00028, subject to determination of an award of settling attorney's fees in such case. A true and

//

1 correct copy of the Judgment by Default is attached as Exhibit "A" to this Notice, and
2 incorporated by reference herein.

3 Respectfully submitted this 10th day of September, 2007.

4 **MAHER • YANZA • FLYNN • TIMBLIN, LLP**
5 Attorneys for HAYAO SUEHIRO

6 By:

7 
8 MICHAEL D. FLYNN, JR., ESQ.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 **CERTIFICATE OF SERVICE**

2 I, **MICHAEL D. FLYNN, JR.**, hereby certify that on the 10th day of September,
3 2007, I caused a copy of the annexed **NOTICE OF JUDGMENT BY DEFAULT;**
4 **CERTIFICATE OF SERVICE** to be served upon the parties hereto, by delivering and
5 leaving a copy of same to their attorney of record, as follows:
6

7 Howard G. Trapp, Esq.
8 **HOWARD TRAPP INCORPORATED**
9 200 Saylor Building
10 139 Chalan Santo Papa
11 Hagatña, Guam 96910
12 **Attorneys for Plaintiffs Robert J. Del Rosario and Melanie Del Rosario**

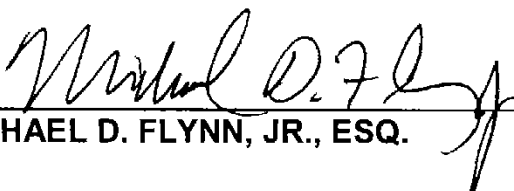
13 David P. Ledger, Esq.
14 **CARLSMITH BALL, LLP**
15 Bank of Hawaii Bldg.
16 134 W. Soledad Ave., Ste. 401
17 Hagatña, Guam 96910
18 **Attorneys for Defendant Japan Airlines International Company, Ltd.**

19 William L. Gavras, Esq.
20 **LAW OFFICES OF WILLIAM L. GAVRAS**
21 2nd Fl., J & R Building
22 208 Route 4
23 Hagatña, Guam 96910
24 **Attorneys for Plaintiffs Robert J. Del Rosario and Melanie Del Rosario**

25 Dated this 10th day of September, 2007.

MAHER • YANZA • FLYNN • TIMBLIN, LLP
Attorneys for **HAYAO SUEHIRO**

BY:


MICHAEL D. FLYNN, JR., ESQ.

1 Michael D. Flynn, Jr., Esq.
2 **MAHER • YANZA • FLYNN • TIMBLIN, LLP**
3 115 Hesler Place, Ground Floor
4 Governor Joseph Flores Building
5 Hagåtña, Guam 96910
6 Telephone No.: (671) 477-7059
7 Facsimile No.: (671) 472-5487

8 Attorneys for HAYAO SUEHIRO

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **DISTRICT OF GUAM**

12 HAYAO SUEHIRO,) CIVIL CASE NO. CIV07-00017
13)
14 Plaintiff,)
15)
16 vs.)
17) JUDGMENT BY DEFAULT
18 ROBERT J. DEL ROSARIO, MELANIE)
19 DEL ROSARIO,)
20)
21 Defendants.)

22 The Defendants having failed to plead or otherwise defend, default having
23 been entered and the claim being for a sum certain or for a sum which can by
24 computation be made certain, judgment is hereby entered, pursuant to Federal
25 Rules of Civil Procedure Rule 55(b)(2), against the Defendants, jointly and severally,
as follows:

1. Damages in the sum of \$100,000.00;
2. Prejudgment interest of 1% per month, compounded monthly, from February 18, 2003 to May 15, 2007 (i.e., an amount totaling \$64,354.63), and 2% per month, compounded monthly, from May 16, 2007 to the date of Judgment (i.e., an amount totaling \$15,208.53 to August 30, 2007);

3. Attorney's fees of \$16,640.00;
4. Costs of \$1,007.60 in connection with the collection of the indebtedness on the Promissory Note;
5. Plaintiff is granted a security interest in any settlement funds deposited by Japan Airlines Co., Ltd. with the Clerk of Court in District Court of Guam, Civil Case No. CIV04-00028 subject to determination of an award of settling attorney's fees in such case;
6. The Clerk of Court is ordered to first and immediately pay the Plaintiff and attempt to fully satisfy the Defendant's indebtedness to Plaintiff by disbursing to Plaintiff any and all settlement funds deposited with the Clerk of Court under District Court of Guam, Civil Case No. CIV04-00028, immediately upon receiving said settlement funds after the issue concerning settling attorney's fees is settled and paid if appropriate;
7. Plaintiff is granted judgment against the Defendants, jointly and severally, for any deficiency in the settlement funds deposited with the Clerk of Court, under District Court of Guam, Civil Case No. CIV04-00028, should said settlement funds be insufficient to satisfy Robert J. Del Rosario's debt, plus interest, costs and reasonable attorney's fees; and
8. Costs of suit.

So Ordered.



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Sep 06, 2007